

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-CR-20521-RNS

UNITED STATES OF AMERICA

vs.

**THEODORE FARNSWORTH and
J. MITCHELL LOWE**

Defendants.

SPEEDY TRIAL REPORT

Pursuant to Southern District of Florida Local Rule 88.5 (“Rule 88.5”) and the Court’s Scheduling Order (ECF No. 17), the United States submits the following speedy trial report:

A. Commencement of the 70-Day Period

1. On November 2, 2022, a federal grand jury in the Southern District of Florida returned an indictment against the defendants Theodore Farnsworth and J. Michell Lowe (the “Defendants”) (ECF No. 3).
2. On November 17, 2022, the Defendants made their initial appearances in this district before Magistrate Judge Melissa Damian (ECF Nos. 8-9). The 70-day speedy trial clock started to run on that date. *See* 18 U.S.C. § 3161(c)(1).
3. Between November 17, 2022, and December 22, 2022, 35 non-excludable days elapsed.

B. Excludable Time

4. On December 22, 2022, the Defendants filed a Motion to Amend/Correct the Protective Order (ECF No. 27), which the Court set for a hearing on January 3,

2023. All time between the filing of the pre-trial motion and the hearing is excludable. *See* 18 U.S.C. § 3161(h)(1)(D).

5. On December 28, 2022, the Defendants filed an Unopposed Motion to Continue Trial Date (ECF No. 29), which the Court also set for a hearing on January 3, 2023 (ECF No. 30).
6. Following a hearing on the Defendants' pending motions (ECF No. 32), the Court continued the trial until September 11, 2023, finding the ends of justice served by taking such action outweighed the interests of the public and the defendants in a speedy trial (ECF No. 36). The period of delay resulting from the continuance is excludable. *See* 18 U.S.C. § 3161(h)(7).
7. Accordingly, the period from the filing of the Defendants' Motion on December 22, 2022, until the start of the trial on September 11, 2023, is excludable time under the Speedy Trial Act.

C. Time Remaining

8. In total, 35 days have elapsed, and 35 days remain on the speedy trial clock. To comply with the Speedy Trial Plan of the Court, the final date the Defendants can be tried is October 16, 2023.

Counsel for the United States and counsel for the Defendants conferred regarding this speedy trial report. All parties agree with these calculations, which exceed the excludable time currently recorded on the docket.

Respectfully submitted,

GLENN S. LEON
CHIEF, FRAUD SECTION
CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2023, the foregoing was filed and served on all counsel of record via the CM/ECF system.

/s/ Lauren Archer

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